IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 37558 of 2007(U)

PETITIONER:

WILSON CHERIYAN, S/O. T.U.CHERIYAN
AGED 30 YEARS, PULICKAL HOUSE,
COVENT ROAD MANJUMMEL PO, ELOOR VILLAGE
PARAVUR TALUK ERNAKULAM DISTRICT
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
PHILOMINA JOY,W/O. JOY AGED 48,DO...DO...DO.....

BY ADV. SRI.P.GEORGE VARGHESE

RESPONDENTS:

ELOOR GRAMMA PANCHAYAT
REP. BY SECRETARY, UDYOGAMANDAL
ELOOR, ERNAKULAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 37558 of 2007

Dated this the 18th day of December , 2007

JUDGMENT

Under Challenge in this writ petition is Ext.P13 order of the Tribunal holding that Ext.P12 appeal, which is filed against Ext.P10 order of the Secretary of the Panchayat, is not maintainable under Section 276(1) of the Panchayat Raj Act. Even though the learned counsel for the petitioner has addressed me very strenuously, I am not convinced that the view taken by the Tribunal is wrong. Challenge against Ext.P13 will stand repelled. The petitioner, however, is permitted to invoke his appellate remedy before the Council. If the Council of the respondent Panchayat receives appeal within 10 days from today, the Council will entertain that appeal and dispose of the same in accordance with law, notwithstanding the apparent delay.

The writ petition is disposed of as above.

PIUS C. KURIAKOSE,
JUDGE.

dpk